

REMARKS

In the Office Action mailed November 10, 2008 the Office noted that claims 1-12 were pending and rejected claims 1-12. Claims 1 and 6 have been amended, claims 2 and 11 have been canceled, claim 13 is new, and, thus, in view of the foregoing claims 1, 5-7, 10, 12 and 13 remain pending for reconsideration which is requested. No new matter has been added. The Office's rejections are traversed below.

REJECTIONS under 35 U.S.C. § 112

Claims 1, 2 and 5 stand rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. The Office asserts that the claim has omitted steps.

The Applicant has amended the claims to define method steps.

Withdrawal of the rejections is respectfully requested.

REJECTIONS under 35 U.S.C. § 102

Claims 1, 2 and 5 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Baker, U.S. Patent No. 2,049,100. The Applicant respectfully disagrees and traverses the rejection with an argument and amendment.

Baker discusses a method of forming a metal bellows by taking a strip of metal and placing tension on the strip to form flanges on the side.

The Applicant has amended claim 1 to recite "injecting a *thermoplastic or thermoplastic elastomer* into a hollow mold (5) *formed by two half shells or a greater number of elements adapted to be brought together to delimit a closed cavity.*" (Emphasis added) Support for the amendment may be found, for example, in claim 2 and ¶ 0018 of the printed publication version of the Specification. The Applicant submits that no new matter is believed to have been added by the amendment of claim 1.

The prior art of record fails to disclose that the bellows is formed by injecting thermoplastic or thermoplastic elastomer into a hollow mold or that the mold is formed by two half shells or a greater number of elements adapted to be brought together to delimit a closed cavity.

For at least the reasons discussed above, claim 1 and the claims dependent therefrom are not anticipated by Baker.

Claims 6, 7 and 10-12 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Schaap, U.S. Patent No. 6,461,695. The Applicant respectfully disagrees and traverses the rejection with an argument and amendment.

Schaap discusses a bellows-shaped article made of fiber reinforced plastics.

Claim 6 has been amended to include the features of claim 11. The Applicant has also amended the claim to move features found in the preamble into the body of the claim to give them patentable weight. The Applicant submits that no new matter is believed to have been added by the amendment of claim 6.

Schaap fails to disclose an axial bellows (2A) and radial bellows. Further, Schaap fails to disclose any type of transmission device.

For at least the reasons discussed above, claim 6 and the claims dependent therefrom are not anticipated by Schaap.

It is noted that the Office has made a general allegation that all claims 1, 5-7, 10 and 12 are anticipated by Baker and Schaap. In the event that the Office maintains the rejection of independent claims 1 and 6 under 35 U.S.C. §102, Applicant respectfully requests that the Office, **in the interests of compact prosecution**, identify on the record and with specificity sufficient to support a *prima facie* case of anticipation, **where in the Baker and Schaap patents the subject features of independent claim 1 and 6 are alleged to be taught.**

Withdrawal of the rejections is respectfully requested.

NEW CLAIM

Claim 13 is new. Support for claim 13 may be found, for example, ¶ 0018 of the printed publication version of the

Specification. The Applicant submits that no new matter is believed to have been added by the inclusion of claim 13. The prior art of record fails to disclose the casing can be defined by diametrically opposite ears disposed on the external periphery of said casing.

SUMMARY

It is submitted that the claims satisfy the requirements of 35 U.S.C. §§ 112 and 103. It is also submitted that claims 1, 5-7, 10, 12 and 13 continue to be allowable. It is further submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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